

explained to Havenick and Goff that Duffy listened to the merits of their case before telling Eckstein and Moody that the application was going to be denied and that the letters were going out that day. Havenick recalled being told that Duffy's stated reason was "if you do this with Hudson, then all these other race tracks are going to start doing the same things with Indian tribes and there will be so many Indian casinos that people are going to get mad at the Indians and it's not a good idea."⁴⁵¹ This was the first time the applicants had heard from Interior that the application would be denied, and the first time this particular factor against the proposal had even been mentioned by the Department.

The four men drove back to Moody's office to take whatever steps they could to get the decision reversed, or at least delayed until the following Monday so that they could bring the tribal leaders to Washington and make another pitch. The four spread out into different offices and tried calling various people to seek their assistance. Havenick asked Eckstein to call Babbitt and seek the meeting with the tribal leaders that they understood Babbitt had promised Eckstein. Eckstein called Babbitt's office, leaving a message, which Babbitt's staff soon returned. Eckstein requested a meeting with the Secretary, and was given a time to see Babbitt that afternoon.⁴⁵²

⁴⁵¹Grand Jury Testimony of Fred Havenick, June 4, 1999, at 96 (hereinafter "Havenick G.J. Test.").

⁴⁵²Babbitt stated he had no recollection of speaking with Duffy, Collier, Shields or any of their secretaries on July 14, 1995, about Eckstein's call or about the Hudson decision. Babbitt said he thinks he knew on July 14, 1995, that the Hudson decision had been made or was about to be made. His best sense of how he knew is that he must have been told by Duffy. Babbitt now infers that when he told Duffy that he wanted Duffy to see Eckstein, Duffy must have said the decision was ready to go, and that the decision would be a denial. Babbitt said he believes he knew this when he sent Eckstein to meet with Duffy.